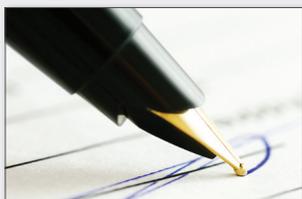




Department of Defense (DoD)
Fact Sheet

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Section 508 of the Rehabilitation Act, as amended in 1998, requires that when Federal Agencies, including DoD, develop, procure, maintain, or use Electronic and Information Technology (E&IT), they shall ensure that the E&IT allows Federal employees and members of the public with disabilities have access to and use of information and data that is comparable to that of persons without disabilities, unless an undue burden would be imposed on the agency.

—Section 508 of the Rehabilitation Act of 1973, as amended 29 U.S.C. § 794

What is E&IT?

The U.S. Access Board defines Electronic and Information Technology (E&IT) as “any equipment or interconnected system or subsystem of equipment that is used in the creation, conversion, or duplication of data or information. The term electronic and information technology includes, but is not limited to, telecommunications products (such as telephones), information kiosks and transaction machines, World Wide Websites, multimedia, and office equipment such as copiers and fax machines. The term does not include any equipment that contains embedded information technology that is used as an integral part of the product, but the principal function of which is not the acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information. For example, HVAC (heating, ventilation,

and air conditioning) equipment such as thermostats or temperature control devices, and medical equipment where information technology is integral to its operation, are not information technology.”

What is Covered?

Section 508 applies to all E&IT developed, procured, maintained, or used by DoD, to include: software applications and operating systems; web-based intranet and Internet information and applications; telecommunications products; video and multimedia products, self-contained closed products such as printers or fax machines, and desktop and portable computers. Per the Section 508 Law, the U.S. Access Board has developed technical standards aligned to the foregoing E&IT.

What is not Covered?

Section 508 does not apply to “any E&IT operated by agencies, the function, operation, or use of which involves

intelligence activities, cryptologic activities related to national security, command and control of military forces, equipment that is an integral part of a weapon or weapons system, or systems critical to the direct fulfillment of military or intelligence missions. Systems that are critical to the direct fulfillment of military or intelligence missions do not include systems used for routine administrative and business applications (including payroll, finance, logistics, and personnel management applications).” Furthermore, Section 508 does not apply to E&IT acquired by a contractor incidental to a contract and E&IT located in spaces frequented only by service personnel for maintenance, repair or occasional monitoring of equipment.

Additionally, Section 508 may not apply if compliance would constitute an undue burden on an agency. Undue burden is generally defined as “significant difficulty or expense.” “If a DoD Component determines that compliance



Section 39.2 Electronic and Information Technology (E&IT) of the Federal Acquisition Regulation (FAR), implements Section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d), and the Architectural and Transportation Barriers Compliance Board Electronic and Information Technology (E&IT) Accessibility Standards (36 CFR Part 1194) for all executive agencies when acquiring E&IT.

with U.S. Access Board standard in procurement imposes an undue burden, the DoD Component, in coordination with their Office of the General Counsel, shall document why and to what extent compliance with each provision in the standards creates an undue burden and include a copy of the documentation in the contract file.” In accordance with Subparts 39 and 10.001 of the Federal Acquisition Regulation (FAR), the requiring official must document the products or services provided, the dollar value of the acquisition, the technical provision that cannot be met, the market research performed, the costs and how they were estimated, and the alternative means that the DoD Component will provide individuals with disabilities access to the data and information involved.

Who Is Covered?

Section 508 applies to the Office of the Secretary of Defense (OSD), the Military Departments (including their Reserve Components), the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of Inspector General of the DoD, the Defense Agencies, and the DoD Field Activities. Also covered are contractors providing E&IT deliverables, services, or products to DoD, or to the public on behalf of DoD.

Roles and Responsibilities

As members of the DoD community, we all have a role and responsibility in ensuring that persons with disabilities have equal access to DoD information. The DoD Chief Information Officer (CIO) is responsible for the development of policies, procedures, and requirements related to achieving implementation and Section 508 compliance. Additionally, the DoD CIO designates a DoD Section 508 Coordinator to serve as the point of contact for implementation, and to represent DoD on Federal-wide boards and committees to develop Section 508 standards.

The Under Secretary of Defense for Acquisition, Technology, and Logistics (USD(AT&L)) establishes DoD wide policy for accessible E&IT procured by DoD, and identifies a Chief Acquisition Officer Representative to work with the DoD Section 508 Coordinator. The Under Secretary of Defense for Personnel and Readiness (USD(P&R)) maintains records of DoD employees with self-identified disabilities and their accommodations, recruits qualified individuals with disabilities and works with the DoD Component Section 508 Coordinator.

Complaints of Alleged Noncompliance

Employees with disabilities who find any DoD application not accessible should first work with their information technology (IT) help desk to resolve the problem. If the help desk determines the issue is system-wide, then the employees should notify their Component Section 508 Coordinator. The Component Section 508 Coordinator should notify the DoD Section 508 Coordinator about the issue and plan for resolution. If the issues are not resolved in a reasonable time, employees may file complaints alleging that the Department of Defense is not in compliance. Complaints of alleged noncompliance should be filed with the Component’s Equal Employment Opportunity Officer or Office of Disability Affairs, if applicable. If resolution is not achieved, complaints may be raised to the Diversity Management and Equal Opportunity Directorate, OUSD(P&R). Component Section 508 Coordinators should be involved in the complaint process, and should inform the DoD Section 508 Coordinator of any potential allegations of noncompliance. The OUSD(P&R) will use the personnel community’s established complaint procedures pursuant to part 84 of title 45, Code of Federal Regulations for resolving allegations of noncompliance.



References

For more information regarding DoD Section 508 policies, Section 508 law, and the U.S. Access Board visit:
<http://dodcio.defense.gov/DoDSection508.aspx>

Contact

For additional information or support e-mail:
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